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POLITICS AND CRIME.¹

WHILE discussing the reformation of criminals it is distinctly in order to say something about the reformation of politics. For if the state have within itself the elements of criminality, how can it hope to reform criminals? There are those who pretend to believe that it is necessary to set a thief to catch a thief, but the policy of setting a thief to reform a thief has, I think, never found a defender. And yet it has frequently happened that those representatives of the state with whom criminals are brought most intimately and continuously in contact, policemen, police justices, sheriffs, sheriffs' deputies and jail-keepers, are only a shade, if at all, better than the criminals themselves. The thief-catcher is inevitably and by virtue of his office either something of a thief-reformer or of a thief-degrader.

Now, in treating crime as in treating any chronic disease, the hope of cure lies very largely in curative treatment during the early stages. And yet it is with the officials enumerated above as most likely to be tainted with criminal instincts that the man or woman suspected of crime is first brought in contact. Petty offenders and those living on the verge of criminality in our large cities, seldom get past this line of guardians of the peace, and live always more or less in their presence. The policeman to them represents the state. Three classes of persons who commonly offend against the law have an especially intimate acquaintance with policemen and police courts—I refer to gamblers, prostitutes and saloon-keepers. There are not very many criminals who do not either belong to these classes or to their patrons. It consequently follows that these classes and the more pronounced criminals through them, form their idea of the state and its morality, by what they see of it in the persons of the

¹ An address delivered before the National Prison Congress, Denver, September 16, 1895.

policemen and the police magistrates. If the state, through these its representatives, gives object lessons in corruption, the classes that tend to criminality cannot but infer that the state is fundamentally as criminal as themselves; that, in short, criminal instincts are universal, the only differences being that they are concealed by varying degrees of hypocrisy, and their activity attended by varying measures of success. This conviction, that crime is all pervasive and that government is simply one of the tricks in the trade of dog-eat-dog which all are playing, will paralyze the conscience quicker than any other belief that can take possession of the human heart. Let that conviction become thoroughly rooted and it will take a long term at a very excellent and presumptively a very expensive reformatory to get it out.

And yet what other thought can be instilled into the mind of a young man whose wildness has not yet ripened into crime? He can get his drinks on Sunday in violation of the law, perhaps because money is paid the police, and perhaps because the saloon-keeper that he patronizes is a city alderman. The gambling den to which he goes is immune from interference, the light in the passageway leading to it shines out on the pavement where brass-buttoned policemen walk with eyes that see not, because the man who runs the establishment is the Republican committeeman from that ward. Of the houses of prostitution with which he is acquainted many are "pulled" but few are closed. Some are even free from annoyance or danger in this regard because their managers have made their peace with the officials by money payments or otherwise. He may even know that the degraded street-walker who solicits himself and others without shame and without fear divides her earnings with the policeman on her beat which is also his. He finds that many of the police arrests are "fakes;" formalities gone through with to satisfy the "dear public," to make a record for some department, or some captain or some patrolman. When certain of his cronies are arrested on rather serious charges he finds that the police court is presided over by a man without dignity and with-

out honesty. The judge's predecessor eloped with a prostitute, and the one before that was a defaulter. The judge will accept a "straw bond" if urged to do so by a disreputable attorney whose large fees come from his ability to "work the court" and from no other sort of ability whatever. In other cases the judge may, for a consideration, allow a man charged with a serious offense to plead guilty to a lesser one, and to impose a nominal fine of five dollars.

Our supposititious young man sees relatively decent people who have business with the police magistrates brow-beaten, insulted, and perhaps fined without cause. When some of his wealthier comrades, or those he has watched from afar, actually have to go to jail on some serious charge, their money procures them all the luxuries of life, even to the joys of "taking in the town," an official being detailed to accompany and bring back the debauchee.

If he finally goes to jail himself, he will spend most of his time discussing with others such things as these, and will come to feel that they are the ordinary facts of social life. He may hear of small towns and rural communities in which conditions are almost as bad as those with which he is personally acquainted—places where the constables and justices work together to catch as many tramps as possible and give them as short sentences as possible in order to collect fees from the county for this, their official activity. He may hear of other places where tramps and defenseless persons are arrested on flimsy charges and then assured that "they will be let off easy" if they plead guilty, but kept in jail indefinitely if they insist on a trial—the explanation being that the justices and prosecuting attorneys get fees in proportion to the number of convictions. He may hear of still other places where the sheriff and county officers are in collusion to keep the jail as full as possible, the sheriff's contract being such that each day's board of each prisoner represents a considerable profit to him.

Now it is not likely that any one young man would have all these experiences in any one month, in any one town, but there

is not a single supposition in the whole string of them which has not its counterpart in definite facts for which I could furnish names, dates, and localities. These facts have been gleaned from cities as widely separated as Baltimore and San Francisco, Chicago and Los Angeles. But curiously enough the list of the cities from which they are gleaned does not include New York. That city, if we chose to study it, might afford us examples of all these things and of a great many more. We might tell of a time when three out of the fifteen police magistrates had been indicted, and another had but narrowly escaped. We might speak of an impressive spectacle of about one hundred policemen in uniform, each of whom during the three preceding years had been convicted of unprovoked assault on citizens amounting to crimes of assault in the second and third degree. During about the same period one hundred and eight officers of the force had been convicted of offenses amounting to crimes, of which forty-eight were felonies. There the Sunday closing law was used simply as a means of extorting blackmail from the liquor-dealers, and the whole arrangement was systematized through the liquor-dealers' association. Gambling houses and houses of prostitution were blackmailed, the detective in each ward acting as the "Captain's Collector," and being so termed by those interested. Detectives, pawnbrokers and thieves worked together in prosperous collusion for their common enrichment. The "green-goods" men received regular protection, and if victims made complaint they were treated by the police with scant courtesy, or in the words of a number of witnesses, the police "put a scare on them" and then proceeded to divide the "swag." Abortionists and other criminals also came in for the countenance of the state through its police department. Legitimate businesses were put under contribution, and innocent and defenseless persons, including women, were arrested in order that they might be blackmailed. Places on the force were so profitable that they were a matter of bargain and sale, and a captaincy was proved to have been paid for with \$15,000.

Now it did not need a Lexow committee to tell the criminal

and semi-criminal classes of New York that her police department was corrupt. The corrupt practices at which the country threw up its respectable hands in horror had for years been the accepted and commonplace facts of their lives upon which all their activity had been conditioned. What chance was there that the state, through the weak precepts and prohibitions of its statute book, could counteract the powerful teaching of this its own bad example? How many years at Elmira would it take to re-form a young man whose character had been formed in the first place by life in the slums of a city so governed?

It would have been fair to base what there is to be said on this subject upon New York and its experience, because New York is, or was, the bright particular star in the firmament of spoils politics. It would have been proper to use it as typical, not because other American cities are as bad, but because it shows clearly what we will come to if we take that road. It is the reduction to iniquity of city government by spoils politics.

It seemed better to refer to New York only incidentally lest those who live elsewhere might fancy that what was said does not apply to them. In fact, as already indicated, the blight of spoils politics is upon the various branches of local administration in a large proportion of the cities and towns of the United States. I venture to guess, and it is nothing more than a guess, that in three-fourths of the cities of the United States having a population of more than 50,000, there are frequent though informal conferences between the officers of the law and habitual law breakers as to how far the laws will have to be enforced—how far it will be necessary to pander to the moral sentiment of the community. Out of the dozen cities with which I am somewhat acquainted there are but two in which the police magistrates are generally held to be conscientious and intelligent gentlemen. One of the two is Washington, D. C., which has no vestige of local self-government. I do not happen to know of one single city or town having local self-government, where the party in power can afford consistently and persistently to defy the criminal and semi-criminal classes. These classes are politically very active,

they are united for their common purposes, and they are ideally non-partisan. The commonest arrangement is for them to unite themselves in each locality with whatever party has there a majority on national issues, because only a party in power can give them what they want. It thus comes about that in most communities the party in power is more likely to be corrupt than the party of the minority, for, as an acute observer has said, you cannot expect right conduct from a party as long as it contains within itself enough criminal votes to defeat it.

The remedy for such a state of things is very simple, though no one acquainted with the facts will venture to think it very easy of application. It is this: There must be in each locality a body of conscientious voters slightly more numerous than the criminals and semi-criminals, and just as active politically, just as non-partisan in local affairs, and (here is usually the rub) just as coherent. Much good breath and good energy has been wasted in denouncing "machine politics." Machine politics are inevitable as the good government clubs and civic federations of the last few years well know. It was shortly before the advent of such sensible and efficient organizations as these that a politician said to me, "The trouble with the good people of this town—the trouble with the *good people* is that they are such blamed fools." What he meant was that the good people of the place demanded of him an impossible thing, namely that he should do right, while yet they left him without defense against the powers of darkness. An old-fashioned citizens' movement was like "the grass of the field, which today is, and tomorrow is not," while as for the political activity of the criminal classes it will last as long as crime, and "it slumbers not nor sleeps."

Our whole business in this discussion is to note how essential to the right treatment of criminals is the reform of our local governments. The movement for the reform of politics is under way, and it must succeed or all our attempts to reform criminals will be like opposing the ocean's tide with a mop.

Thus far we have spoken only of the influence for evil which corrupt politics exerts on the possibly criminal elements of our

population. This, in my judgment, is the most important branch of the subject, but the members of this association are doubtless more familiar with the directly bad influence of spoils politics upon the administration of our penal and reformatory institutions.

Even when spoils politics does not issue in definite and manifest corruption, it still has a terribly paralyzing influence upon all attempts to reform criminals. Wherever politics is a wholly selfish business, and "the art of winning elections" is practiced as a means of livelihood by men not qualified for the offices to which they attain, we have a blundering, obtuse and conscienceless management of institutions. A teacher who was looking up local conditions as a preparation for lecturing on crime found that the only man connected with the county jail who had an unselfish interest in prison reform was one of the prisoners. The sheriff of the county said he was in office to make all he could out of it "honestly," which meant "legally." He was a great improvement on his predecessor who was believed to have given his cupidity an even freer rein. In such an institution, and it is typical of two-thirds of our county institutions, the criminal must come to feel that the state is as selfish as himself, though it may not be as criminal. I have referred to a county institution in California. Let me refer in the same connection to the State Penitentiary of Nebraska, where the wardenship has been the football of politics, where prisoners are pretty well proved to have been killed while being corrected, and where the lobbyist lessee, who for more than ten years held the institution as in the hollow of his hand, has been finally sent to the penitentiary himself. Again and again improved methods of dealing with crime, modern reformatories, the parole of prisoners, police supervision of discharged prisoners, the indeterminate sentence, and numberless other improvements work unsatisfactorily because we have not officials honest enough, intelligent enough and diligent enough to carry them out properly.

There is yet a third aspect of this subject which must be mentioned, although it is not perhaps the special business of this

association to consider it. I refer to times when crime becomes epidemic, and our industrial problems are lighted up by the flames of burning property, and sometimes by the flash of army rifles—times such as we saw in 1877, 1886 and 1894. At such times there is a dangerous tendency through our whole community to tolerate and even sympathize with acts of violence on the part of strikers. This tendency has its origin in a latent belief that the capitalists whose property is in danger are themselves sinners, and that in these times of outbreak, Violence is merely attempting, in a wild, unreasoning way, to get even with Chicane. It is felt that the corporations ought not to complain if the local governments which they have conspired to emasculate have not the virility to defend them. The burning of cars is doubtless not justified by the fact that their owners corrupted a legislature, but the community having tolerated one crime, has a sneaking tendency to tolerate the other as an offset.

This illustration of the solidarity of evil brings us back to the opinion of the criminal that if the local officials with whom he comes in contact are corrupt, then society as a whole is as corrupt as himself. What we have called his "opinion" is little more than a feeling, an instinct. But it is not so preposterous and unreasonable as one could wish. If a corrupt police department exists year after year it does not seem to be an unreasonable implication that it is as good a police department as the community cares to take the trouble to have. The community is, in fact, *particeps criminis*. And a further fact, already hinted at, which has not perhaps attained the notoriety it deserves, confirms the same view. Many of those whom we call our best citizens—people that is with wealth, social position and very likely church membership—are personally interested in having a local, or possibly a state government that is not too honest. As attorneys, or investors, or business men, they are likely to be interested in building contracts, or paving contracts, or electric lighting, or a water company, or a gas company, or street railway franchises, or in "placing" the bonds which the government may issue from time to time. For such reasons as these many citizens

who think themselves respectable, and are in fact highly influential, are willing to contribute to the support of a corrupt or semi-corrupt party, and ask no questions except questions as to the treatment to be accorded to the enterprises in which they are interested. They do not think themselves responsible for open gambling dens and scandalous police courts, but they are. I have known more than one promising movement for municipal reform to be wrecked on such hidden rocks as these. When the criminal indicts the community because of corruption in some branch of local government he is usually right. If we try the case on its merits, the indictment stands. The only way that you or I can clear ourselves of complicity is by showing that we have done the utmost humanly possible to bring about a better state of things. But if, unhappily, we are compelled on the basis of the facts of yesterday to plead "Guilty as charged," then the only way in which we can do "works meet for repentance" is to see to it that the facts of today and of the swift coming tomorrows give no grounds for our further indictment.

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